

Assembly Bill No. 1971

Passed the Assembly May 14, 2012

Chief Clerk of the Assembly

Passed the Senate June 25, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 496a of, and to add Section 594.05 to, the Penal Code, relating to theft.

LEGISLATIVE COUNSEL'S DIGEST

AB 1971, Buchanan. Theft: junk, metals, and secondhand materials.

Existing law provides that every dealer in or collector of junk, metals, or secondhand materials, or the agent, employee, or representative of that dealer or collector, who buys or receives any wire, cable, copper, lead, solder, mercury, iron, or brass which he or she knows or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water, or electric light company or county, city, city and county, or other political subdivision of this state engaged in furnishing public utility service without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving that property, and shall be punished by imprisonment as specified, by a fine of not more than \$250, or by both that fine and imprisonment.

This bill would increase that maximum fine to an amount not to exceed \$1,000.

Existing law provides that a person commits the crime of vandalism when he or she defaces, damages, or destroys property that is not his or her own. Existing law provides that vandalism is punishable by imprisonment in a county jail for not more than one year, by a fine, as specified, based on the amount of the defacement, damage, or destruction, or by both the fine and imprisonment.

This bill would enact a clarifying statement relating to vandalism committed against public transit property and facilities, public parks property and facilities, and public utilities and water property and facilities, and would also express certain findings and declarations of the Legislature relating to the theft of nonferrous materials.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The theft of nonferrous materials, such as copper, copper alloys, stainless steel, and aluminum, but excluding beverage containers, is a serious problem in many parts of California.

(b) The theft of these metals is having a significant negative effect on many public agencies throughout the state, including public transit providers.

(c) Frequently, the cost of repairing or replacing the infrastructure, component, or item from which the metal has been removed greatly exceeds the value of the metal itself.

(d) This criminal activity is costing public transit systems millions of dollars annually.

(e) These crimes can greatly affect the efficiency of transit providers, causing significant vehicle speed reductions, service disruptions, and delays.

(f) The theft of nonferrous materials from public transit systems also poses a significant threat to public safety.

(g) The theft of these metals may result in the loss of power to critical elements of the transit system and to related communications, lighting, and other portions of the system.

(h) Stolen cable can create dangerous conditions as stray electrical current is conducted through other metals, creating heat in adjacent metals, and damaging the integrity of the system in the area of theft.

(i) In addition to the possible dangers posed to employees and the transit-riding public, thieves engaged in these crimes are exposed to serious injury or death through possible electrocution.

SEC. 2. Section 496a of the Penal Code is amended to read:

496a. (a) Every person who, being a dealer in or collector of junk, metals or secondhand materials, or the agent, employee, or representative of such dealer or collector, buys or receives any wire, cable, copper, lead, solder, mercury, iron or brass which he or she knows or reasonably should know is ordinarily used by or ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water or electric light company or county, city, city and county or other political subdivision of this state engaged in furnishing public utility service without using due diligence to

ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving that property, and shall be punished by imprisonment in a county jail for not more than one year, or by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) Any person buying or receiving material pursuant to subdivision (a) shall obtain evidence of his or her identity from the seller including, but not limited to, that person's full name, signature, address, driver's license number, vehicle license number, and the license number of the vehicle delivering the material.

(c) The record of the transaction shall include an appropriate description of the material purchased and the record shall be maintained pursuant to Section 21607 of the Business and Professions Code.

SEC. 3. Section 594.05 is added to the Penal Code, to read:

594.05. (a) For purposes of Section 594, "damages" includes damage caused to public transit property and facilities, public parks property and facilities, and public utilities and water property and facilities, in the course of stealing or attempting to steal nonferrous material, as defined in Section 21608.5 of the Business and Professions Code.

(b) This section is declaratory of existing law.

Approved _____, 2012

Governor